

From: [Villa, Clifford](#)
To: [PAUL BEATTIE](#)
Subject: consent for access
Date: Wednesday, August 07, 2013 8:04:51 PM
Attachments: [access form.docx](#)
[Residential Owners \(1991\).pdf](#)

Paul: Good to talk with you as well. Attached, as promised, EPA's standard consent for access form, tailored for your client's property, plus a copy of EPA's "Policy Towards Owners of Residential Property at Superfund Sites" (1991).

As I mentioned, EPA's general policy is that we don't pursue residential owners for the costs of investigation and cleanup under CERCLA. However, as I also mentioned, this general policy also provides the following, specific exception: "Also, if an owner of residential property fails to provide the Agency with access to the residential property located on a Superfund site to evaluate the need for a response action or to implement a response action ..., this policy will not apply." (p.4) Note also that the definition of "located on a Superfund site" for purposes of this policy includes sites that are "the subject of planned or current removal ... activities," which is the case here for your client's property.

For your client to remain eligible for the general policy of enforcement discretion toward residential owners, your client will need to provide access to EPA for purposes of carrying out the work scheduled to begin on your client's property Monday, Aug. 12. To confirm that consent, your client should sign the attached consent form and return it to us via pdf tomorrow (Thursday), if at all possible. The signed original may be delivered to us by mail.

If you have any other questions, please let me know. Thank you for your timely attention to this matter. EPA looks forward to beginning work next Monday to ensure the protection of the health of your clients and the surrounding community.

Clifford J. Villa

Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
(206) 553-1185 (office) | (206) 419-2744 (cell)

From: PAUL BEATTIE [<mailto:hrappgray@aol.com>]
Sent: Wednesday, August 07, 2013 5:18 PM
To: Villa, Clifford
Subject: Re: Paul: Still standing by for your call . . .

Thanks for your time today. I would appreciate receiving the residents exception policy and the consent form that you need filled out.

-----Original Message-----

From: Villa, Clifford <Villa.Clifford@epa.gov>
To: PAUL BEATTIE <hrappgray@aol.com>
Sent: Wed, Aug 7, 2013 4:03 pm
Subject: Paul: Still standing by for your call . . .

But have to leave office by 4:30 today.

Clifford J. Villa

Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
(206) 553-1185 (office) | (206) 419-2744 (cell)

From: PAUL BEATTIE [<mailto:hrappgray@aol.com>]
Sent: Wednesday, August 07, 2013 3:34 PM
To: Villa, Clifford
Subject: Re: EPA removal project at Ashue Road

Hi Cliff,

Just tried your office line. Let me know when you are ready for the call and I will call back.

Paul Beattie
-----Original Message-----
From: Villa, Clifford <Villa.Clifford@epa.gov>
To: PAUL BEATTIE <hrappgray@aol.com>
Sent: Wed, Aug 7, 2013 3:01 pm
Subject: RE: EPA removal project at Ashue Road

Can we talk today at 3:30? You can call me on my desk # below.

Thanks.

Clifford J. Villa

Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
(206) 553-1185 (office) | (206) 419-2744 (cell)

From: PAUL BEATTIE [<mailto:hrappgray@aol.com>]
Sent: Wednesday, August 07, 2013 2:57 PM
To: Fowlow, Jeffrey; sandyjulara@gmail.com
Cc: Villa, Clifford
Subject: Re: EPA removal project at Ashue Road

Cliff,

I just had a very good chat with Jeff. May I please talk with you either this afternoon or tomorrow morning?

Paul Beattie
Attorney for the Gaytans
-----Original Message-----
From: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
To: PAUL BEATTIE <hrappgray@aol.com>; sandyjulara <sandyjulara@gmail.com>
Cc: Villa, Clifford <Villa.Clifford@epa.gov>
Sent: Tue, Aug 6, 2013 3:58 pm
Subject: RE: EPA removal project at Ashue Road

Thank you for the communication. I have forwarded this email to the EPA attorney working on this project, Mr. Clifford Villa, so that you may contact him as well. Mr. Villa's phone number is 206-553-1185.

From: PAUL BEATTIE [<mailto:hrappgray@aol.com>]
Sent: Tuesday, August 06, 2013 3:51 PM
To: Fowlow, Jeffrey; sandyjulara@gmail.com
Subject: Re: EPA removal project at Ashue Road

Hi Jeff,

I need to get involved *before* you push Ms. Gaytan for access to her property. At this point, I am representing her and her family, and I need to spot the issues and advise her before she answers.

Perhaps you and I can talk tomorrow. At this point, I do not authorize additional communications with Ms. Gaytan without my "presence."

This is meant to be protective of her, not combative towards you Jeff. I fully understand you have a job to do.

Respectfully yours,

Paul Beattie

-----Original Message-----

From: Fowlow, Jeffrey <Fowlow.Jeffrey@epa.gov>
To: Sandra Gaytan <sandyjulara@gmail.com>; hrappgray <hrappgray@aol.com>
Sent: Tue, Aug 6, 2013 3:27 pm
Subject: RE: EPA removal project at Ashue Road

Mrs. Gaytan:

I will call you tomorrow around noon to see if you have any questions regarding the Action Memo and to find out if you are planning to grant access to your property. If you wish to speak before then or have any questions, please call me at your convenience.

Thank you,

Jeffrey Fowlow, PG, CHMM
Federal On-Scene Coordinator
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

EMAIL: fowlow.jeffrey@epa.gov
Office: 206-553-2751
Cell: 206-225-5582

From: Fowlow, Jeffrey
Sent: Monday, August 05, 2013 2:59 PM
To: 'Sandra Gaytan'; 'hrappgray@aol.com'
Subject: EPA removal project at Ashue Road

Mrs. Gaytan:

At your request, I am sending you and your attorney a copy of the Action Memorandum for the removal action proposed for your property on Ashue Road in Wapato, Washington. I contacted you to request consent for access (sample access agreement form attached) to your property beginning Monday, August 12, 2013 through Saturday, August 17, 2013.

After you have reviewed the attached documents, please contact me on my office or cell phone to let me know whether access is approved. You may also contact me at your convenience to discuss any questions you have.

Thank you.

Jeffrey Fowlow, PG, CHMM
Federal On-Scene Coordinator
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